

ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

AUGUST 30, 1966.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. TAYLOR, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 3035]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3035) to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

The Congress finds and declares—

(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) that, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) that, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

TITLE I

SEC. 101. (a) The Secretary of the Interior is authorized—

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties;

(2) to establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archaeology and culture; and

(3) to establish a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for the purpose of carrying out the responsibilities of the National Trust.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of, any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 102. (a) No grant may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

SEC. 103. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him: *Provided, however*, That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

SEC. 104. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning, acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

SEC. 105. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SEC. 106. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

SEC. 108. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this Act for the fiscal year 1967, and not more than \$10,000,000 for each of the three succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

TITLE II

SEC. 201. (a) There is established an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of seventeen members as follows:

- (1) The Secretary of the Interior.
- (2) The Secretary of Housing and Urban Development.
- (3) The Secretary of Commerce.
- (4) The Administrator of the General Services Administration.
- (5) The Secretary of the Treasury.
- (6) The Attorney General.
- (7) The Chairman of the National Trust for Historic Preservation.
- (8) Ten appointed by the President from outside the Federal Government.

In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

(b) Each member of the Council specified in paragraphs (1) through (6) of subsection (a) may designate another officer of his department or agency to serve on the Council in his stead.

(c) Each member of the Council appointed under paragraph (8) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term, except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of

appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

(e) The Chairman of the Council shall be designated by the President.

(f) Eight members of the Council shall constitute a quorum.

Sec. 202. (a) The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

Sec. 203. The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the Executive Branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

Sec. 204. The members of the Council specified in paragraphs (1) through (7) of section 201(a) shall serve without additional compensation. The members of the Council appointed under paragraph (8) of section 201(a) shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

Sec. 205. (a) The Director of the National Park Service or his designee shall be the Executive Director of the Council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: *And provided further*, That the Council shall not be required to prescribe such regulations.

(b) The Council shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(c) The Council may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed \$50 per diem for individuals.

(d) The members of the Council specified in paragraphs (1) through (6) of section 201(a) shall provide the Council, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such facilities and services are

requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

PURPOSE

The purpose of S. 3035, as amended, is threefold: (1) to strengthen and expand the work being done under section 2(b) of the act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 462) and to establish a national register of sites, structures, and the like which are significant in American history, architecture, archeology, and culture; (2) to encourage local, regional, State, and National interest in the protection of such properties; and (3) to establish an Advisory Council on Historic Preservation charged with the duties of advising the President and the Congress on matters relating to preservation of such properties, recommending measures to coordinate public and private preservation efforts, and reviewing plans for Federal undertakings and the undertakings of others involving Federal assistance or requiring a Federal license which affect sites, structures, and the like listed in the national register referred to above.

Bills dealing with many of the aspects of S. 3035 were introduced by Representative Aspinall (H.R. 13491) and Representative Saylor (H.R. 13716) upon receipt of an executive communication requesting that this be done. Other bills on this subject were introduced by Representative Widnall (H.R. 13792), Representative Fino (H.R. 14018), Representative Fulton of Pennsylvania (H.R. 15683), Representative Irwin (H.R. 16168), Representative McDowell (H.R. 16271), and Representative Blatnik (H.R. 16282).

BACKGROUND

An important share of the public interest in S. 3035 must be credited to the U.S. conference of mayors, the study made by its special committee on historic preservation, and the report on the study entitled "With Heritage So Rich." Former Representative Albert Rains was chairman of this committee and Representative Widnall and Senator Muskie were members of it.

Congressional interest in the protection and preservation of places of historic and natural interest has long standing in the United States. As early as 1906, the Congress provided authority for protecting and preserving antiquities located on Federal lands. The Antiquities Act of that year (34 Stat. 225; 16 U.S.C. 431 et seq.) authorized the President to set aside historic landmarks, structures, and objects, located on lands controlled by the United States, as national monuments.

The continued interest of Congress in historic preservation led to the enactment of the Historic Sites Act in 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). In this act Congress declared it to be a "national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States." In addition to directing the Secretary of the Interior to conduct various programs with respect to historic preservation, the act established the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. This industrious, 11-member panel has played a vital role in the successful development of our national park system by, among other things, making constructive recommenda-

tions with respect to the restoration, reconstruction, conservation, and administration of or national historic and archeologic properties.

In accordance with the authority granted by Congress in 1935, the National Park Service was assigned the responsibility for the general supervision of the Nation's historic preservation efforts, a responsibility which it has exercised continuously to the present time. Its duties have included collecting and collating data on historic and archeologic properties in areas of national significance and the compiling of a survey of national historic sites and buildings. In addition, the Park Service has made an ambitious effort to encourage the preservation of nationally significant historic and natural sites through its landmarks program.

A new dimension was added to the Nation's historic preservation effort in 1949 when the Congress chartered the National Trust for Historic Preservation in the United States (63 Stat. 927; 16 U.S.C. 468). The purpose of this charitable, educational, nonprofit corporation is "to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest." By accepting and administering donated properties and funds, the National Trust has made possible the preservation and maintenance of a number of significant historical properties and assisted in the protection of others in private ownership.

Progress toward preservation of historic buildings was also made in 1965 when the Housing and Urban Development Act of that year made provision for the inclusion in urban renewal projects of the relocation of "a structure which the local public agency determines to be of historic value and which will be disposed of to a public body or a private nonprofit organization which will renovate and maintain such structure for historic purposes" (79 Stat. 477).

NEED FOR AND MAJOR PROVISIONS OF THE LEGISLATION

Notwithstanding the progress which has been made with regard to historic preservation, most existing Federal programs and criteria for preservation are limited to natural and historical properties determined to be "nationally significant." Only a limited number of properties meet this standard. Many others which are worthy of protection because of their historical, architectural, or cultural significance at the community, State or regional level have little protection given to them against the force of the wrecking ball. Some of them are not even known outside of a small circle of specialists. It is important that they be brought to light and that attention be focused on their significance whenever proposals are made in, for instance, the urban renewal field or the public roads program or for the construction of Federal projects or of projects under Federal license that may involve their destruction. Only thus can a meaningful balance be struck between preservation of these important elements of our heritage and new construction to meet the needs of our ever-growing communities and cities. This is the aim of S. 3035.

After hearings by its Subcommittee on National Parks and Recreation, the Interior and Insular Affairs Committee considered S. 3035 in detail in an effort to establish the most effective preservation program possible at this time which is consistent with its recognition of the necessity for progress in our communities. Since knowledge of the extent to which there is need for assistance in preserving properties of

local, State, and regional significance is somewhat limited, S. 3035 authorizes the Secretary of the Interior, under criteria to be established by him, to make matching-fund grants to States for the purpose of preparing statewide comprehensive surveys and plans for the preservation of such sites and buildings.

To meet its objectives, the bill, as recommended by the committee, also proposes a two-pronged grant-in-aid program designed to provide assistance for implementing well-rounded programs to preserve properties historically, architecturally, archeologically or culturally significant which are in accord with the State plans just mentioned, and to enhance the ability of the National Trust for Historic Preservation in the United States to carry out its responsibilities under the charter granted to it by Congress. Section 102 establishes the requirements which must be met before recipients can qualify for grants-in-aid. In no event can such Federal assistance be more than 50 percent of the cost involved.

In addition to this greatly needed financial assistance, S. 3035 provides for the creation of an Advisory Council on Historic Preservation which, among other things, is to advise and report to the President and to the Congress on matters relating to historic preservation, as well as to recommend measures to coordinate the preservation efforts of Federal, State and local agencies and private parties. The Advisory Council will be composed of 7 ex officio members and 10 others appointed by the President with special attention being given to representation by State and local officials.

To help provide the protection which is needed, S. 3035 authorizes the Secretary of the Interior to maintain a register of areas, structures, and objects which are significant historically, architecturally, archeologically, or culturally. This register, which will consist of places of local, State, and regional, as well as national, significance will serve as a convenient guide to properties which should be preserved for the inspiration and benefit of this and future generations. The committee agreed that Federal agencies having direct or indirect jurisdiction over various undertakings, either through Federal funding or through their licensing powers, should recognize these values. The bill therefore requires such agencies to afford the Advisory Council an ample, fair, and reasonable opportunity to comment with regard to such proposed undertakings before they are commenced.

By its revisions of S. 3035, with respect to the functions of other agencies of the Federal Government, the committee recognizes the necessity for a high degree of cooperation and coordination of Federal activities if the Nation is to enjoy both the fruits of progress and its heritage from the past. The committee feels that it has provided a means of avoiding conflicts of administrative jurisdiction. It feels strongly that the national historic preservation effort should continue to be, as it has been in the past, a function of the Department of the Interior and particularly of the National Park Service.

COMMITTEE AMENDMENTS

Numerous individual amendments were approved by the committee. These are incorporated in the rewritten text of S. 3035 which the

committee recommends to the House for its consideration. The most important of these will:

(1) Broaden the authority for grants-in-aid program to the National Trust for Historic Preservation by permitting the Secretary of the Interior, upon suitable application by the National trust, to provide assistance for the purpose of carrying out its responsibilities under its charter.

(2) Expand the Federal agencies that are required to take into account the effect of their undertakings on places included in the National Register prior to approval of the expenditure of Federal funds to include Federal licensing agencies.

(3) Require the agencies to afford the Advisory Council an adequate and reasonable opportunity, instead of a flat 60 days, as proposed in the original bill, to review proposed undertakings which affect sites included in the National Register and to prepare deliberate and considered comments on them.

(4) Add a new section 107 making the bill inapplicable to the White House, the Supreme Court Building, and the Capitol and related buildings and grounds. The committee generally agreed that the principal buildings and grounds of the three branches of the Federal Government should *not* be subject to the provisions of this general legislation.

(5) Revise the method of selecting the 10 public members of the Advisory Council on Historic Preservation in order to allow the President flexibility in selecting persons who are "significantly interested and experienced in the matters to be considered by the Council" instead of imposing upon non-Federal organizations the responsibility of nominating persons to be selected by the President.

(6) Reduce the duties of the Advisory Council outlined in section 202 to conform to the purposes for which it is being created—namely to perform advisory functions.

(7) Omit provisions authorizing the Advisory Council to hold hearings under oath; to compel attendance, testimony or production of records; and to exercise other powers not commonly granted to, and not necessary to the work of an advisory body. The Council will, however, be authorized to secure statistics, suggestions, and similar information directly from any Federal agency.

(8) Designate the Director of the National Park Service as the Executive Director of the Advisory Council, since the Secretary of the Interior is named in section 201 as a member of the Council. It is reasonable, in the light of the long-standing interest of the Park Service in historic preservation, that it continue its endeavors by participating actively in the work of the Advisory Council.

(9) Delete section 206 which is unnecessary since the committee is recommending that section 108 be amended to limit the maximum amount of money authorized to be appropriated under the entire act.

COST

Section 108, as recommended, limits the total authorized appropriation for the purposes of the act to \$32 million. Of this amount, not more than \$2 million is authorized to be appropriated in fiscal

year 1967 and appropriations for the next 3 succeeding years are not to exceed \$10 million each year.

The amounts just stated are the maximum amounts authorized to be appropriated. The committee fully recognizes that, until the National Register is completed and full information is available as to what amounts will be necessary to fulfill the objectives envisioned by S. 3035, these amounts are tentative. After the preservation programs get underway, it will be possible to ascertain whether smaller or greater amounts will be required. In no event, under the bill as recommended, will appropriations exceed \$32 million during the first 4 years of the program without further consideration and authorization by the Congress, and appropriations beyond these years will be contingent on the enactment of future legislation.

The bill requires the Advisory Council to submit to the Congress each year a comprehensive report of its activities, including its recommendations. The committee expects, in addition to the Council's annual report, to be advised periodically of the activities, expenses, and plans of the Department of the Interior with respect to the powers and responsibilities imposed upon it under the provisions of this act.

DEPARTMENTAL REPORTS

The executive communication from the Secretary of the Interior (dated March 2, 1966) and the report of the Bureau of the Budget on S. 3035 (dated July 15, 1966), together with the report of the Department of the Interior on comparable bills (dated June 10, 1966), follow:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 2, 1966.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The President, in his February 23 message dealing with the quality of our environment, said "Historic preservation is the goal of citizen groups in every part of the country. To help preserve buildings and sites of historic significance, I will recommend a program of matching grants to States and to the National Trust for Historic Preservation." The enclosed draft bill will carry out this recommendation.

The national preservation program contemplated by the Historic Sites, Buildings, and Antiquities Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), has fallen short of the goals envisioned by the framers of that act. Since very few historic properties worthy of preservation meet the "national significance" standard prescribed in the 1935 act, additional means for preserving historic properties, without the Federal Government assuming ownership or administration of them, are badly needed. The need, however, is not confined to historic properties judged nationally significant. Historic places important to local communities, States, and regions are also vital parts of the Nation's heritage, and they are even less immune to the forces of destruction than nationally significant properties.

Chief among the methods of promoting historic preservation at the State, county, and municipal levels are the identification of the significant sites and their acquisition, rehabilitation, and maintenance.

Other methods, however, may be needed and they are the subject of continuing study by many interested groups, both public and private.

The enclosed draft bill authorizes the Secretary of the Interior to maintain a national register of sites, buildings, and objects significant in American history and culture. This includes both historic and archeological sites. In addition, the bill establishes a program of matching grants-in-aid to States and the National Trust for Historic Preservation in the United States for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture.

The program of grants-in-aid to States will begin with a statewide historic sites survey financed by the Federal Government and conducted according to standards and procedures reflecting those of the National Survey of Historic Sites and Buildings which this Department is presently conducting. The statewide survey will include sites already determined to be of national significance by the Secretary of the Interior, but it will be aimed primarily at identifying and evaluating other properties that are significant in American history and culture.

On the basis of such survey, the State will prepare a comprehensive statewide historic preservation plan which, when approved by the Secretary of the Interior after considering its relationship to the statewide outdoor recreation plan, will form the basis for matching grants-in-aid to States for the acquisition and development of historical properties in non-Federal public or private ownership. Properties of National, regional, State, or local historical significance will be eligible for inclusion in the statewide plan, whether they are operated by a public agency or private organization or individual.

Due to rapidly increasing development in urban centers of population, the Secretary of the Interior will require assurances that preservation of historic areas in our cities figure materially in the preparation of any statewide plan. For this reason also, apportionment of the grants will take into account the many historical properties located in urban centers.

Although most of this program will take the form of matching grants-in-aid to States, the bill also contemplates that some matching grants-in-aid will be made to the National Trust for Historic Preservation in the United States, which was chartered as a charitable, educational, and nonprofit corporation by the act of October 26, 1949 (63 Stat. 927; 16 U.S.C. 468 et seq.). Its purposes according to that act are to "receive donations of sites, buildings and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program * * *."

The above act provides for the principal office of the National Trust to be located in the District of Columbia and for its affairs to be under the general direction of a board of trustees. The board of trustees is composed of the Attorney General of the United States, the Secretary of the Interior, and the Director of the National Gallery of Art, ex officio; and not less than six general trustees. At the present time, the bylaws of the National Trust provide for not more than 31 general trustees and they are chosen by the members of the National Trust from its members.

The National Trust is empowered to accept and administer gifts of real and personal property absolutely or in trust and to contract with Federal, State, or municipal agencies, or individuals for the preservation and maintenance of historic properties owned by other agencies or individuals.

Under its program the National Trust has acquired historical properties of great significance, and has assisted in the preservation and maintenance of other properties in private ownership. Among those the National Trust owns and maintains are Woodlawn Plantation, at Mount Vernon, Va.; Decatur House, Washington, D.C.; Shadows-on-the-Teche, New Iberia, La.; Casa Amesti, Monterey, Calif.; Woodrow Wilson House, Washington, D.C.; and Belle Grove, Middletown, Va.

As part of its educational program the National Trust conducts workshops, seminars, and conferences, and it is especially active in giving moral support and, upon request, expert technical advice to preservation organizations for their local projects. It is the only nongovernmental body operating on a nationwide basis in the historical preservation field. Participating in the National Trust's programs are more than 6,000 member organizations and individuals located throughout the Nation.

The functions of the National Trust are carried out solely with donated funds. Grants to the National Trust under the proposed bill will enable the Trust to proceed to encourage on an accelerated basis the local initiative and support that is needed for preservation of our historic heritage.

The bill prescribes a number of conditions to the grants-in-aid to the States and National Trust in order to insure that the purposes of this act will be carried out.

The bill also provides that no grant may be made under this act for or on account of any survey or project with respect to which financial assistance has been given or promised under any other Federal program or activity, and vice versa. This provision will avoid any overlap with other related Federal programs and activities such as the Department of Housing and Urban Development's open-space programs conducted pursuant to title VII of the Housing Act of 1961 (75 Stat. 183, as amended; 42 U.S.C. 1500 et seq.).

The estimated cost of the program authorized by the enclosed bill is \$2 million for the fiscal year 1967. Costs for succeeding fiscal years would depend upon the needs identified in the surveys.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary is authorized—

(1) to maintain a national register of sites, buildings, and objects significant in American history and culture, and to grant funds to States for the purpose of preparing comprehensive

statewide historic surveys and plans for the preservation, acquisition, and development of such properties; and

(2) to establish a program of matching grants-in-aid to States, and to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in any site, building or object that is significant in American history and culture, or property used in connection therewith, and for its development in order to assure the preservation of any such property for public benefit.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 2. (a) No grant for a project may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per cent of the total cost of the project, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information, as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant for projects under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

SEC. 3. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

SEC. 4. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning, acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

SEC. 5. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used; and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SEC. 6. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this Act for fiscal year 1967, and such sums as may be necessary for succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this Act and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 16, 1966.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Currently pending before your committee is S. 3035, to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes. We would like to offer the following comments on that bill for your consideration.

Title I of the bill is similar to the draft bill transmitted to the Congress earlier by the Secretary of the Interior. We support this title in its entirety with two exceptions.

One, section 106 provides that if any historical properties included in the National Register are affected by a proposed Federal or federally assisted project, the head of the Federal agency having jurisdiction over the project must (1) prior to the approval of the expenditure of funds for the project, take into account its effect on the historical property and (2) report such effect to the National Advisory Council on Historic Preservation and wait 60 days before proceeding with the project.

While the first requirement presents no problem, we strongly recommend against the second one. A 60-day waiting period in these circumstances could seriously interfere with the execution of important Federal programs. We think notice could serve a useful purpose and would not object, therefore, to a requirement that Federal program administrators seek the advice of the Advisory Council with regard to projects which affect historical properties. Accordingly, we recommend that section 106 be amended on page 7, line 19, to change the comma after "Register" to a period, to delete all that follows through the end of line 25 on page 7, and to insert in lieu thereof the following: "The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such project."

Two, section 107 of the bill authorizes an appropriation of not more than \$2 million for the fiscal year 1967 and not more than \$10 million for each of the 3 succeeding fiscal years. The administration's bill provided appropriations of not more than \$2 million for fiscal year 1967 and such sums as may be necessary thereafter. We would like to reaffirm our preference for the language of the administration proposal which recognizes that the financial needs beyond the first year are difficult to estimate at this time.

With regard to title II of the bill, which establishes a National Advisory Council on Historic Preservation, we have serious reservations. First, we have some question about the need for such a Council, and in particular, we are concerned with the potential overlap and duplication with the Secretary of the Interior's existing Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Should your committee conclude, however, that a new advisory body is necessary and desirable, we would strongly recommend amendments to title II which would (1) make it clear that the new Council is solely an advisory body and not an administrative agency performing operating functions, and (2) make other significant changes in the organization and powers of the Council. These recommended amendments are set forth in detail in the attachment.

We would very much appreciate it if your committee would give consideration to these comments and recommended amendments in its action on this legislation.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

RECOMMENDED AMENDMENTS TO TITLE II OF S. 3035

1. On pages 8 and 9, delete subsections 201(a) (8), (9), (10), and (11) and substitute in lieu thereof the following:

(8) Ten appointed by the President from outside the Federal Government. In making these appointments the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

We believe the limitations on the President's appointment power in the existing subsections are highly objectionable. Not only do they present constitutional problems with respect to the President's appointing authority, but they may present the States with legal problems as well.

2. On page 10, amend subsection 202(a)(1) to read as follows:

(1) Advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities.

3. On pages 10 and 11, amend subsections 202(a) (3) and (4) to read as follows:

(3) Recommend the conduct of studies in such areas as adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments, and the effects of tax policies at all levels of Government on historic preservation:

(4) Advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and.

These amendments would eliminate provisions which vest operating functions in the Advisory Council and make it clear that the Council is to perform only advisory functions.

4. On pages 11 and 12, delete section 203 and substitute in lieu thereof the following:

SEC. 203. The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

Most of the provisions of section 203 are not appropriate powers for an advisory body.

5. On page 13, delete the first sentence of subsection 205(a). On pages 13 and 14, delete subsections 205 (b) and (c) and insert in lieu thereof the following:

(b) The Chairman of the Council is authorized to appoint and fix the compensation of an Executive Director at a rate no higher than that now or hereafter established for grade 18 of the general schedule of the Classification Act of 1949 (63 Stat. 954), and such additional personnel as may be necessary to enable the Council to carry out its functions. In addition, the Chairman is authorized to procure services as authorized by section 15 of the act of August 2, 1946 (5 U.S.C. 55(a)) at rates not to exceed \$100 per day.

These amendments would (a) delete the designation of the Secretary of the Interior or his designee as the Executive Director of the Council—it appears inappropriate for the Secretary to be a subordinate official of an advisory body, (b) delete the exemption from the provisions of the civil service laws and the Classification Act of 1949—we know of no reason for such an exemption; and (c) increase the rate of per diem authorized for consultants from \$50 to \$100 per day—this rate is consistent with the compensation for such services frequently authorized in recent legislation.

6. On page 8, lines 10 and 11, change the title of the new advisory body to "Advisory Council on Historic Preservation." The term "National Advisory Council" is likely to be confused with the National Advisory Council on International Monetary and Financial Policies which commonly has been referred to as the NAC.

These amendments, if adopted, would also require minor changes in other sections of the bill to conform those sections to the amendments.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 10, 1966.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your committee has requested a report on H.R. 13792 and H.R. 14018, similar bills to promote and coordinate historic preservation activities of the Federal, State, and local governments, other public bodies, and private organizations and individuals. The only difference in the bills is that H.R. 14018 contains an additional paragraph (3) in section 301(a).

The objective of the bills is similar to that of the draft bill which the Department submitted to the Congress by an executive communication of March 2, 1966, and which was introduced as S. 3035 and H.R. 13491. The need for legislation of this kind was explained in our executive communication and will not be repeated here.

We recommend the enactment of H.R. 13491 in lieu of H.R. 13792 or H.R. 14018.

The principal differences between the bills are:

1. H.R. 13792 and H.R. 14018 contain a declaration of purposes to the effect that (1) the spirit and direction of this Nation are founded upon and reflected in its historic past; (2) this Nation's historical and cultural foundations should be preserved as a living part of our our community life and development in order to give a sense of orientation to the American people; (3) the present historic preservation programs, both governmental and nongovernmental, are inadequate; and (4) the Federal Government should accelerate its programs and assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their programs.

H.R. 13491 contains no similar declaration. We believe, however, that the declaration is desirable, and we recommend that it be included in the administration bill.

2. H.R. 13792 and H.R. 14018 specify in section 101(a) that the national register should be broken down into three general categories. H.R. 13491 does not so specify. We would make such breakdown, however, under the general language of H.R. 13491. We see, therefore, no need for the specific provision in the administration bill.

3. H.R. 13792 and H.R. 14018 require in section 101(b) that the national register be given certain specific distribution. This would also be accomplished under the general language of H.R. 13491, and we see no need for a specific provision in the administration bill.

4. H.R. 13792 and H.R. 14018 authorize in section 201 a special appropriation of funds for a 10-year period to "accelerate" historic preservation programs under the Historic Sites, Buildings, and Antiquities Act of 1935. There is an undoubted need to move more quickly with these programs. There is, however, no need for additional appropriation authorization. We therefore see no need for this provision.

5. H.R. 13792 and H.R. 14018 require in section 202 that the Federal agency heads having direct or indirect jurisdiction over a proposed Federal or federally assisted project must take into account the effect of the project on sites of national significance included in the national register prior to the approval of the expenditure of any Federal funds on the project. H.R. 13491 contains no similar provision. We favor the objective of this provision, and we recommend that it be included in the administration bill and that it be expanded to include all sites, buildings, and objects of historical significance which are included in the national register.

6. H.R. 13792 and H.R. 14018 authorize in section 401 grants to the National Trust for Historic Preservation for not more than two-thirds of the cost of a project. H.R. 13491 differs in that it restricts grants to the National Trust for not more than 50 percent of the total cost of the project. We believe the provision in the administration bill is more in line with the President's message of February 23 1966, when he called for a program of "matching grants to States and to the National Trust for Historic Preservation."

In summary, we recommend the enactment of H.R. 13491 in lieu of H.R. 13792 or H.R. 14018, with the perfecting amendments which we have recommended in this report.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CLARENCE F. PAUTZKE,
Deputy Assistant Secretary of the Interior.

COMMITTEE RECOMMENDATION

The committee believes that S. 3035, as amended, will complement existing historic and natural preservation programs and that it will provide needed encouragement and assistance to public and private efforts to protect and maintain significant areas, buildings, and objects which constitute a valuable element in our cultural heritage. The Committee on Interior and Insular Affairs recommends that the bill, as amended, be approved by the House of Representatives.

